

IT'S NOT ROCKET SCIENCE

(AB)USING THE STATE'S EXPERTS
(AND OTHER OBSERVATIONS FROM A RECENT TRIAL)

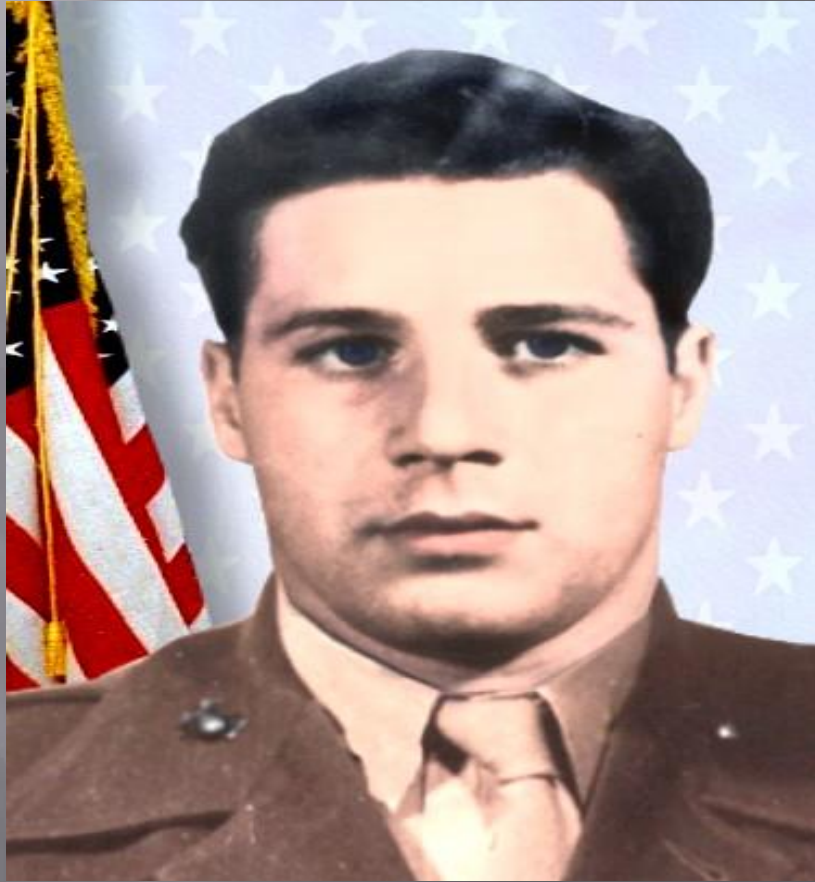
presented by



THE
JH TEAM



FIND YOUR INSPIRATION



OCTAVIOUS MORRISON



ON HIS WAY TO PRISON



1,000 WORDS



PRELIMINARY HEARING



PRELIMINARY HEARING

“Morrison changed his story three times.”

“Morrison claims shooting was an accident”

“Investigators said [decedent] was shot in the back of the head with a .410 rifle.”

Source: WAPT 16 ABC, July 22, 2013

<https://www.wapt.com/article/prosecutor-man-admits-placing-gun-near-pregnant-teen-s-body/2084718>

PRELIMINARY HEARING

“Police say 17-year-old [decedent] was seven months pregnant and the unborn fetus did not survive.”

“... a preliminary exam revealed the teen died from a single gunshot wound to the back of the head.”

“It was unclear whether Morrison has an attorney.”

Source: Meridian Star June 10, 2013

https://www.meridianstar.com/archives/police-charge-boyfriend-in-death-of-pregnant-teen/article_743da2e1-55ad-5557-98c0-19e21aeaa2e1.html

TRIGGER
WARNING!!!

BEDROOM



COUCH



BED



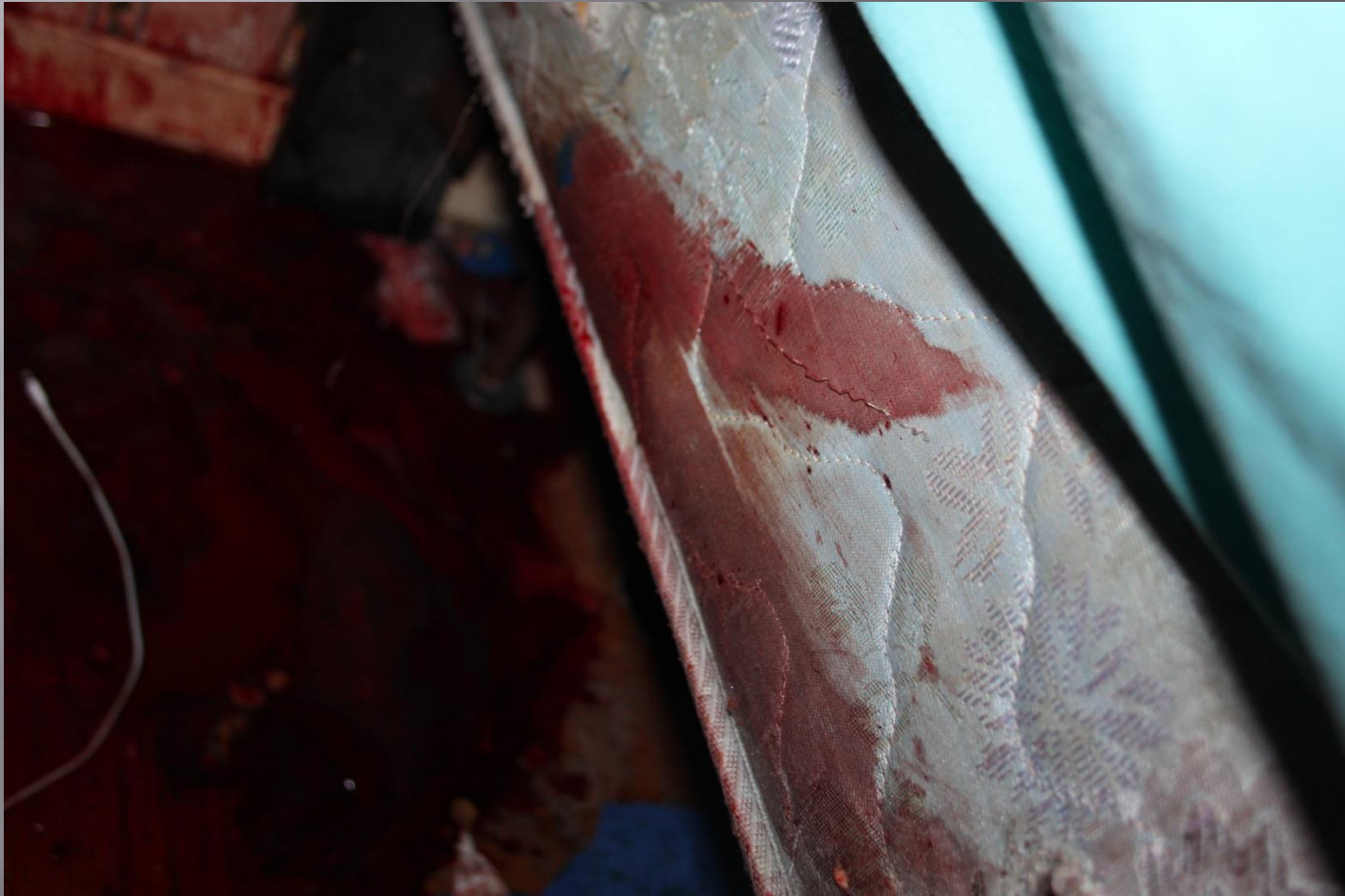
BED



BLOOD ON FLOOR



BOX SPRINGS



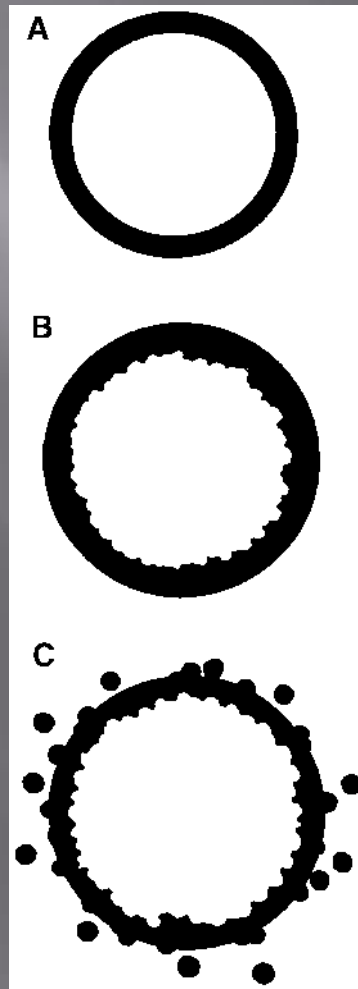
BLOOD ON WALL



“MURDER WEAPON ?”



ENTRY WOUND



STATE'S THEORY

- ▣ An argument of some kind occurred (not his baby; one of them got jealous).
- ▣ The decedent was cowering on the floor, begging for her life.
- ▣ He shot her in the back of the head, execution-style.
- ▣ He tried to stage the crime scene.
- ▣ His story changed so much that it had to be murder.

WHAT DO YOU DO?

- ▣ Listen to the client

 - His story of the event*

 - His history*

- ▣ Listen to the evidence

 - Statement*

 - Photographs*

 - Autopsy*

 - Gunshot residue*

OUR “*THEME?*”

Visual representation of
event
will demonstrate that it
was an accident.

STARKS HATHCOCK

toolmark examiner

shotguns

actor extraordinaire



Starks Hathcock



SEE RANK

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[Update information for Starks Hathcock »](#)

Known For



Forensic Files

Himself - Firearms Examiner

2010

Filmography

[▲](#) Hide all

Show by...

[Edit](#)

Self (1 credit)

Hide [▲](#)

Forensic Files (TV Series documentary)

Himself - Firearms Examiner

2010

- [Textbook Murder](#) (2010) ... Himself - Firearms Examiner

MARK LeVAUGHN

(forensic pathology)



JACOB BURCHFIELD

(gun shot residue)



PROPS

golf club

two pillows

table

foam head

two dowels

STATE'S OBJECTIONS

AS SOON AS YOU PULL OUT PROPS, THE
STATE WILL OBJECT!!

Golf club (not the real shotgun)
Foam head (not best evidence)

What do you do?

RESPOND WITH LAW!!!

- ▣ Sipp v. State, 936 So.2d 326 (Miss. 2006) (not error to exclude photos and overlays as demonstrative *evidence* when there was no proof that they were based on the evidence)
- ▣ Cox v. State, 849 So.2d 1257 (Miss. 2003) (admission of computer animation was harmless error at worst, but should not have been given to jury during deliberation)
- ▣ Ware v. State, 790 So.2d 201 (Miss. Ct. App. 2001) (diagram of vehicle accident scene was admitted in error because it was based entirely on speculation)
- ▣ Jordan v. State, 786 So.2d 987 (Miss. 2001) (cartoonish picture of woman running from man used in argument was not error)

EVIDENCE?

- ▣ Case law is muddled about what to call the use of props.
- ▣ Our suggestion: do not try to admit into evidence your props or your demonstrative aids.
- ▣ Why?
 - If evidence, it is subject to discovery
 - If you disclose it, the State will try to keep it out
 - The jury will remember it but not have it to use in deliberations.

NOT PROPER ARGUMENT

IMPROMPTU DRAWING

“This Court has held” ‘So long as counsel in his address to the jury keeps fairly within the evidence and the issues involved, wide latitude of discussion is allowed. . . .’ . . . ‘Counsel may draw upon literature, history, science, religion and philosophy for material for his argument.’ . . . ‘He may navigate all rivers of modern literature or sail the seas of ancient learning; he may explore all the shores of thoughts and experiences’ . . . The Court should be ‘very careful in limiting free play of ideas, imagery, and PERSONALITIES of counsel in their argument to jury.’”

“The prosecutor was using the illustration of the World Trade Center to counter the defense’s attempt to downplay the nature of these chemicals. He was properly drawing upon experience, a recently widely-publicized event, to illustrate his point.”

PERSONAL KNOWLEDGE/ VOUCHING

“I’ve seen fresh semen. I know what
fresh semen looks like.

. . . because it was still wet and shiny.”

. . . painting a picture with words

PERSONAL KNOWLEDGE/ VOUCHING

“Given the latitude which counsel is to be afforded, and considering the content of the statements, she was within the permissible bounds of closing argument, *for the statements were supported by the evidence adduced.*”

Moffett v. State, 156 So.3d 835, 857 (Miss. 2014) (emphasis added)

PUTTING IT ALL TOGETHER

OUR CLOSING ARGUMENT

JURY FOLLOW-UP

- ▣ “You didn’t even have to say a word.”
- ▣ “We knew we didn’t have the whole story.”

WAITING ON VERDICT



TEAM VICTORY



TEAM VICTORY

Lynn Watkins

Michael Henry

Adofo Minka

Greg Spore

JH Team

WIDER PUBLIC DEFENDER
COMMUNITY

APPEAL

- ▣ 2020-KA-294-COA
- ▣ Issues
 - Weathersby Rule
 - Graphic photographs
 - Dr. LeVaughn is the new universal expert
 - Dr. O'Brien exclusion
 - “Who’s the daddy?” evidence was harmless error
- ▣ January 18, 2022
- ▣ Affirmed

WAR STORIES/QUESTIONS

- ▣ TIME PERMITTING

CONTACT INFORMATION

Hinds County Public Defender's Office

Post Office Box 23029

Jackson Mississippi 39225

(601) 948-2683

JESSICA HEPT:

jhept@co.hinds.ms.us

JOHN HELMERT: (662) 832-4777-cell

john.helmert@hotmail.com